Senate Bill 328

By: Senators Jones of the 10th, Sims of the 12th, Davenport of the 44th, Jackson of the 2nd, Seay of the 34th and others

A BILL TO BE ENTITLED AN ACT

- 1 To amend Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to
- 2 elementary and secondary education, so as to provide that students who are subject to
- 3 compulsory attendance shall not be assigned to an alternative education program for more
- 4 than two semesters; to provide for students to remain in an alternative education program at
- 5 their option; to remove the funding cap on alternative education programs; to provide for
- related matters; to repeal conflicting laws; and for other purposes. 6

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

- 9 Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and
- 10 secondary education, is amended in Code Section 20-2-154.1, relating to alternative
- 11 education programs, as follows:
- 12 "20-2-154.1.

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- 13 (a) It is the policy of this state that the alternative education program shall provide a
- 14 learning environment that includes the objectives of the content standards and that the
- 15 instruction in an alternative education program shall enable students to return to a general
- 16 or career education program as quickly as possible. Course credit shall be earned in an
- 17 alternative education program in the same manner as in other education programs. It is the
- policy of this state that it is preferable to reassign disruptive students who are subject to 19 mandatory attendance pursuant to Code Section 20-2-690.1 shall not be suspended or
- 20 <u>expelled without assignment</u> to an alternative education program rather than suspending
- 21 or expelling such students from school. It is further the policy of this state that, except as
- 22 otherwise provided for in Code Section 20-2-751.1 and except for serious offenses, the
- duration of any assignment of a disruptive student to an alternative education program shall 23
- 24 not exceed the remainder of the semester in which the student is suspended or expelled and
- the following semester. As used in this subsection, serious offenses include physical 25
- 26 assault or battery of school personnel or other students, bullying, and unlawful use or

27 possession of illegal drugs or alcohol; provided, however, that any student assigned to an

- 28 <u>alternative education program for a serious offense shall have the right to request a hearing</u>
- 29 <u>pursuant to the procedures provided for in Code Section 20-2-754 after two semesters in</u>
- 30 <u>such alternative education program for purposes of returning to a regular classroom.</u>
- 31 (b) Alternative education programs are intended to meet the education needs of a student
- 32 who is suspended from his or her regular classroom and also of a student who is eligible
- 33 to remain in his or her regular classroom but is more likely to succeed in a nontraditional
- setting such as that provided in an alternative education program.
- 35 (c) As part of the process of assigning a student to an alternative education program for
- academic or nondisciplinary reasons, the school shall assess, through policies and
- procedures promulgated by the local board of education, the needs of the student and
- 38 consider options for addressing those needs.
- 39 (d) Each local school system shall provide an alternative education program that:
- 40 (1) Is provided in a setting other than a student's regular classroom;
- 41 (2) Is located on or off of a regular school campus and may include in-school suspension
- 42 that provides continued progress on regular classroom assignments;
- 43 (3) Provides for disruptive students who are assigned to the alternative education
- program to be separated from nondisruptive students who are assigned to the program;
- 45 (4) Focuses on English language arts, mathematics, science, social studies, and
- self-discipline;
- 47 (5) Provides for students' educational and behavioral needs; and
- 48 (6) Provides supervision and counseling; and
- 49 (7) Allows any disruptive student or nondisruptive student to remain in an alternative
- education program at his or her option.
- 51 (e) An alternative education program may provide for a student's transfer to a different
- 52 campus, a school-community guidance center, or a community based alternative school.
- 53 (f) A local school system may provide an alternative education program jointly with one
- or more other systems.
- 55 (g) Each local school system shall cooperate with government agencies and community
- organizations that provide services in the school district to students placed in an alternative
- education program.
- 58 (h) The amount of state funds appropriated and allocated for the alternative education
- 59 program provided for in this Code section shall be based on the actual count of students
- served during the preceding year, except that the count of students served shall not exceed
- 61 2.5 percent of the sum of the full-time equivalent program count of the middle school
- 62 program, the high school general education program (grades nine through 12), and the

63 career, technical, and agricultural education laboratory program (grades nine through 12).

- Funds earned may be expended in kindergarten and in grades one through 12.
- 65 (i) A local school system shall allocate to an alternative education program the same
- expenditure for each student attending the alternative education program, including federal,
- state, and local funds, that would be allocated to the student's school if the student were
- attending the student's regularly assigned education program, including a special education
- 69 program, except as otherwise provided in this Code section.
- 70 (j) Upon the request of a local school system, a regional educational service agency may
- provide to the system information on developing an alternative education program that
- takes into consideration the system's size, wealth, and existing facilities in determining the
- program best suited to the system.
- 74 (k) If a student placed in an alternative education program enrolls in another local school
- system before the expiration of the period of placement, the local board of education
- requiring the placement shall provide to the local school system in which the student
- enrolls, at the same time other records of the student are provided, a copy of the placement
- order. The local school system in which the student enrolls may continue the alternative
- education program placement under the terms of the order or may allow the student to
- attend regular classes without completing the period of placement.
- 81 (l) The State Board of Education shall adopt rules necessary to administer the provisions
- of this Code section. Academically, the mission of alternative education programs shall
- be to enable students to perform at grade level. Annually, the Office of Student
- 84 Achievement shall define for alternative education programs acceptable performance and
- performance indicating a need for peer review, based principally on standards defined by
- the Office of Student Achievement that measure the academic progress of students toward
- 87 performing at grade level while attending an alternative education program."

88 SECTION 2.

- 89 Said chapter is further amended in Code Section 20-2-735, relating to adoption of policies
- 90 by local boards to improve student learning environment, by revising subsection (f) as
- 91 follows:
- 92 "(f) It is the policy of this state that it is preferable to reassign disruptive students who are
- 93 <u>subject to mandatory attendance pursuant to Code Section 20-2-690.1 shall not be</u>
- 94 <u>suspended or expelled without assignment</u> to alternative educational settings rather than
- 95 to suspend or expel such students from school. It is further the policy of this state that,
- 96 except as otherwise provided for in Code Section 20-2-751.1 and except for serious
- 97 offenses, the duration of any assignment of a disruptive student to an alternative
- 98 educational setting shall not exceed the remainder of the semester in which the student is

suspended or expelled and the following semester. As used in this subsection, serious offenses include physical assault or battery of school personnel or other students, bullying, and unlawful use or possession of illegal drugs or alcohol; provided, however, that any student assigned to an alternative educational setting for a serious offense shall have the right to request a hearing pursuant to the procedures provided for in Code Section 20-2-754 after two semesters in such alternative educational setting for purposes of returning to a regular classroom."

106 **SECTION 3.**

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Said chapter is further amended in Code Section 20-2-751.5, relating to student codes of conduct, by revising subsection (d) as follows:

"(d) Local board policies relating to student codes of conduct shall provide that each local school superintendent shall fully support the authority of principals and teachers in the school system to remove a student from the classroom pursuant to Code Section 20-2-738, including establishing and disseminating procedures. It is the policy of this state that it is preferable to reassign disruptive students who are subject to mandatory attendance pursuant to Code Section 20-2-690.1 shall not be suspended or expelled without assignment to alternative educational settings rather than to suspend or expel such students from school. It is further the policy of this state that, except as otherwise provided for in Code Section 20-2-751.1 and except for serious offenses, the duration of any assignment of a disruptive student to an alternative educational setting shall not exceed the remainder of the semester in which the student is suspended or expelled and the following semester. As used in this subsection, serious offenses include physical assault or battery of school personnel or other students, bullying, and unlawful use or possession of illegal drugs or alcohol; provided, however, that any student assigned to an alternative educational setting for a serious offense shall have the right to request a hearing pursuant to the procedures provided for in Code Section 20-2-754 after two semesters in such alternative educational setting for purposes of returning to a regular classroom."

126 SECTION 4.

Said chapter is further amended in Code Section 20-2-768, relating to expulsion or suspension of students for felonies, as follows:

129 "20-2-768.

(a) Each local board of education is authorized to refuse to readmit or enroll any student who has been suspended or expelled for being convicted of, being adjudicated to have committed, being indicted for, or having information filed for the commission of any felony or any delinquent act under Code Sections 15-11-602 and 15-11-707 which would

134 be a felony if committed by an adult. If refused readmission or enrollment, the student or the student's parent or legal guardian has the right to request a hearing pursuant to the 135 136 procedures provided for in Code Section 20-2-754. 137 (b) A hearing officer, tribunal, panel, superintendent, or local board of education shall be authorized to place a student denied enrollment in a local school system under subsection 138 139 (a) of this Code section in an alternative educational system setting as appropriate and in 140 the best interest of the student and the education of other students within the school system. Except as otherwise provided for in Code Section 20-2-751.1 and except for serious 141 142 offenses, the duration of any assignment of a disruptive student to an alternative 143 educational setting shall not exceed the remainder of the semester in which the student is suspended or expelled and the following semester. As used in this subsection, serious 144 145 offenses include physical assault or battery of school personnel or other students, bullying, and unlawful use or possession of illegal drugs or alcohol; provided, however, that any 146 student assigned to an alternative educational setting for a serious offense shall have the 147 148 right to request a hearing pursuant to the procedures provided for in Code Section 20-2-754 after two semesters in such alternative educational setting for purposes of returning to a 149 150 regular classroom. 151 (c) It is the policy of this state that it is preferable to reassign disruptive students who are 152 subject to mandatory attendance pursuant to Code Section 20-2-690.1 shall not be suspended or expelled without assignment to alternative educational settings rather than 153 154 to suspend or expel such students from school."

SECTION 5.

156 All laws and parts of laws in conflict with this Act are repealed.